

1 Lazaro Salazar, SBN # 234183  
2 252 N. Fulton Street  
3 Fresno, California 93701  
4 559-498-0828  
5 [lazaro@salazarcooklaw.com](mailto:lazaro@salazarcooklaw.com)

6 Attorney for Plaintiff Victoriano Mendez-Garcia

7 Gregory L. Myers, # 95743  
8 Law Offices of Gregory L. Myers  
9 1500 W. Shaw Avenue, suite 204  
10 Fresno, California 93711  
11 [gmyers@fresno-law.com](mailto:gmyers@fresno-law.com)

12 Attorney for Defendants, City of Madera and  
13 Officer Josh Chavez

14 UNITED STATES DISTRICT FOR  
15 THE EASTERN DISTRICT OF CALOIFORNIA

16 VICTORIANO MENDEZ-GARCIA,  
17 Plaintiff,

18 vs.

19 CITY OF MADERA, CITY OF MADERA  
20 POLICE DEPARTMENT, MADERA POLICE  
21 OFFICER JOSH CHAVEZ (BADGE NO.  
22 3509), DHS US AGENCY,  
23 Defendant

Case No.: 1:13-CV-01793 JLO-MJS

JOINT STIPULATION RE: FILLING OF  
AMENDED COMPLAINT

24 Pursuant to this Court's order, the parties have met and conferred regarding the filling of  
25 Plaintiff's First Amended Complaint and determine whether, and on what terms, the parties  
26 would stipulate regarding the filling of the First Amended Complaint.  
27

1 Plaintiff Victoriano Mendez-Gracia (hereinafter "Plaintiff") is represented by Lazaro  
2 Salazar of Salazar & Cook, LLP and Defendant City of Madera and Josh Chavez (hereinafter  
3 "Madera Defendants") are represented by Gregory L. Myers of The Law Offices of Gregory L.  
4 Myers.  
5

6 The parties have met and conferred, stipulate and agree with respect to the following:

- 7 1. Plaintiff and Madera Defendants stipulate and agree that said Defendants Answer to the  
8 First Amended Complaint filed by Plaintiff on July 1, 2014; no additional Answer need  
9 be filed in response to Plaintiff's First Amended Complaint. It is further stipulated that  
10 said Defendants have by way of their Answer to the First Amended Complaint preserved  
11 the right to jury trial.  
12
- 13 2. Plaintiff and Madera Defendants stipulate and agree that this Court may issue an Order  
14 that a new Scheduling Conference date shall be set, and a determination made whether  
15 Federal defendants agree to the Magistrate serving as the judge for all purpose, including  
16 trial.  
17

18 Dated this 8 of August, 2014.

19  
20 /s/ Lazaro Salazar

---

Lazaro Salzar, Esq.  
Attorney for Plaintiff, Victoriano Mendez  
Garcia

21  
22  
23  
24 /s/ Gregory L. Myers

---

Gregory L. Myers, Esq.  
Attorney for Defendant, City of Madera &  
Josh Chavez

ORDER

Good cause appearing, the parties' Stipulation, in Case No. 1:13-CV-01793-MJS, above, is accepted and adopted and made the Order of this Court as set forth below:

1. Plaintiff's First Amended Complaint. (ECF No. 17) is deemed to have been filed with the consent of Defendants City of Madera and Officer Josh Chavez, and the Court;
2. The Answer and Affirmative Defenses of Defendants, City of Madera and Officer Josh Chavez (ECF No. 7, as amended by ECF Nos. 15 and 16) shall serve as said Defendants' Answer and Affirmative Defenses to Plaintiff's First Amended Complaint;
3. All rights of the above parties to trial by jury have been preserved; and,
4. The Court will address consent and scheduling issues as they arise with the appearance of additional parties.

IT IS SO ORDERED.

Dated: August 11, 2014

/s/ Michael J. Seng

UNITED STATES MAGISTRATE JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JOINT STIPULATION RE: FILLING OF AMENDED COMPLAINT - 4